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DATE February 11, 2004

TO	COMPANY NAME	FAX NO.	PHONE NO.
Office of Initial Patent Examination Filing Receipt Corrections	U.S. Patent and Trademark Office	703 746 9195	703 308 1202
TOTAL NO. OF PAGES	15 (including fax coversheet)		
FROM	James J. DeCarlo, Reg. No. 36,120		
SENDER'S FAX NO.	212-806-6006		
SENDER'S PHONE NO.	212-806-5742		
SENDER'S EMAIL	JDECARLO@stroock.com		
ROOM NO.	3860		
ATTORNEY NO.	2620		
CLIENT/MATTER NAME	U.S. Patent Appln. No. 10/670,099		
CLIENT/MATTER NO.	694231/0118		

MESSAGE

Transmitted herewith please find:

1. Certificate of Transmission by Facsimile (1 pg); and
2. Petition Requesting Correction of Filing Date...
(3 pgs plus 10 sheets of attachments)

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STROOCK & STROOCK & LAVAN LLP • NEW YORK • LOS ANGELES • MIAMI
180 MAIDEN LANE, NEW YORK, NY 10036-4982 TEL 212.906.5400 FAX 212.906.6006 WWW.STROOCK.COM

PAGE 1/15 * RCVD AT 2/11/2004 2:27:48 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-2/2 * DNI:7469195 * CSID: * DURATION (mm:ss) 02:54

Docket No.
694231/0118

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andrew R. Volk

Group Art Unit: 2171

Application No.: 10/670,099

Examiner: Not Yet Known

Filed: September 22, 2003

For: **METHOD AND APPARATUS FOR ORGANIZING AND PLAYING
DATA**

Date: February 11, 2004

**CERTIFICATE OF TRANSMISSION
BY FACSIMILE (37 C.F.R. § 1.8)**

Mail Stop Commissioner for Patents
Commissioner for Patents
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Alexandria, Virginia 22313-1450

Sir:

I hereby certify that the following correspondence:

Petition Requesting Correction of Filing Date (3 pgs. plus 10 pages of attachments)

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Jeffrey Mann

(Typed Or Printed Name Of Person Signing this Certificate)


(Signature)

SSL-DOCS1

Docket No.
694231/0118

JJD:JM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicants: **Andrew R. Volk**Group Art Unit: **2171**Application No.: **10/670,099**Examiner: **Not Yet Known**Filed: **September 22, 2003**For: **METHOD AND APPARATUS FOR ORGANIZING AND PLAYING
DATA**Date: **February 11, 2004****PETITION REQUESTING CORRECTION OF FILING
DATE (37 C.F.R. § 1.10(c) and 37 C.F.R. § 1.10(d))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have received a Filing Receipt for the above-identified patent application. It is noted that the indicated Filing Date of September 23, 2003, is incorrect. A copy of the first page of the Filing Receipt is annexed as Exhibit A.

There is a discrepancy between the filing date accorded by the Office (September 23, 2003) and the true date of deposit (September 22). For the following reasons, Applicants respectfully petition the Commissioner to accord this application a filing date of September 22, 2003.

This application was filed on September 22, 2003, utilizing the Express Mail procedure specified in 37 C.F.R. § 1.10. As required by 37 C.F.R. § 1.10(c)(3), and as proof this application was filed on September 22, 2003, Applicants annex as Exhibit B a copy of the Express Mail label (no. EL 898312568 US) for this filing bearing a USPS cancellation stamp dated September 22, 2003.

**Petition Requesting Correction Of Filing Date
(37 C.F.R. § 1.10(C) and 37 C.F.R. § 1.10(D))**

It is noted that the "Date in" section of this label was erroneously filled in by the Postal Service clerk as "Mo 9 Day 23 Year 03", even though the application papers were deposited on September 22, 2003. However, the Postal Service cancellation stamp applied to the Express Mail label bears the correct date, September 22, 2003. This cancellation stamp constitutes an official USPS notation, as specified in 37 C.F.R. 1.10(c).

As required by 37 C.F.R. § 1.10(d) (3), and as proof this application was filed on September 22, 2003, Applicants have annexed as Exhibit C evidence directly obtained from the USPS that the label was erroneously filled out. As can be seen from the attached Track and Confirm document obtained from the USPS website, the application bearing the express mail number EL 898312568 US was accepted at the U.S. Post Office in New York, NY 10199 at 11:12PM on September 22, 2003.

As required by 37 C.F.R. § 1.10(c)(2) and 37 C.F.R. § 1.10(d)(2), the number of the Express Mail label was placed on the Utility Patent Application Transmittal form (PTO/SB/05), and the Certificate of Mailing by "Express Mail", both itemizing all the components papers of this application and submitted with the application. Copies of these papers are annexed as Exhibits D and E, respectively, as further proof that this application was filed on September 22, 2003, not September 23.

Correction of the Patent and Trademark Office's records and issuance of a corrected filing date are respectfully requested.

No fees are believed to be owed in connection with this Petition. Nevertheless, the Commissioner is hereby authorized to charge any fees now or hereafter due to Deposit Account No. 19-4709.

**Petition Requesting Correction Of Filing Date
(37 C.F.R. § 1.10(C) and 37 C.F.R. § 1.10(D))**

In the event that there are any questions, or should additional information be required, please contact Applicants' attorney at the number listed below.

Respectfully submitted,

James J. DeCarlo
Registration No. 36,120
Attorney for Applicants
STROOCK & STROOCK & LAVAN, LLP
180 Maiden Lane
New York, New York 10038-4982
(212) 806-5400

EXHIBIT A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/670,099	09/23/2003	2171	918	694231.0118	16	17	5

James J. DeCarlo
 Stroock & Stroock & Lavan LLP
 180 Maiden Lane
 New York, NY 10038

CONFIRMATION NO. 6282
FILING RECEIPT



•OC000000011806945•

Date Mailed: 02/02/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Andrew R. Volk, San Francisco, CA;

Domestic Priority data as claimed by applicant

This application is a CIP of 10/459,341 08/11/2003

Foreign Applications**If Required, Foreign Filing License Granted:** 01/31/2004**Projected Publication Date:** 12/16/2004**Non-Publication Request:** No**Early Publication Request:** No**Title**

Method and apparatus for organizing and playing data

Preliminary Class

707

EXHIBIT B

EXPRESS MAIL
UNITED STATES POSTAL SERVICE

POST OFFICE TO ADDRESSEE

EL 898312568 US

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 10099	Date of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In 9-22-03	Postage \$17.85	
Time In 4 PM	AM/PM <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee <input type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day
Weight 1.2 lbs	Intl Alpha/Country Code STP	COD Fee <input type="checkbox"/> Insurance Fee <input type="checkbox"/>
No Delivery Signature <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Total Postage \$17.85	Waiver of Signature (Domestic Only) I understand that if my signature is required, it may be waived by my delivery person if I provide my signature or address to my delivery agent. If delivery employee judges that my signature can be verified (e.g., by photo ID) and I authorize him/her to do so, my signature will not be required.
CUSTOMER USE ONLY		NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday
Method of Payment Express Mail Customer Acct. No. 694231-0118		Federal Agency Acct. No. or FMS Service Acct. No.

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FROM: (PLEASE PRINT) **TO: (PLEASE PRINT)**

STROOCK, STROOCK & LAVANT LLP
180 Maiden Lane
New York, NY 10038-4925

MAIL STOP PATENT APPLICATION
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com **FMS**

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Label 11-F August 2000

02/11/2004 14:29 FAX

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EXHIBIT C



Track & Confirm

Shipment Details

You entered EL89 8312 568U S

Your item was delivered at 9:23 am on September 24, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by J STECKEL.

Here is what happened earlier:

- ARRIVAL AT PICK-UP-POINT, September 23, 2003, 9:39 pm, ALEXANDRIA, VA 22313
- ARRIVAL AT UNIT, September 23, 2003, 9:24 pm, DULLES, VA 20102
- ACCEPTANCE, September 22, 2003, 11:12 pm, NEW YORK, NY 10199

Notification Options

- Track & Confirm by email
► Request Proof of Delivery

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EXHIBIT D

PTO/SB/DS (08-03)

Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new non-provisional applications under 37 CFR 1.53(b))

Attorney Docket No.	694231.0118
First Inventor	Andrew R. VOLK
Title	Method and Apparatus for Organizing and Playing Data
Express Mail Label No.	EL 898312568 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing) | 7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or
Computer Program (Appendix) |
| 2. <input type="checkbox"/> Applicant claims small entity status.
See 37 CFR 1.27. | 8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary) <ul style="list-style-type: none"> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: <ul style="list-style-type: none"> i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies |
| 3. <input checked="" type="checkbox"/> Specification [Total Pages 35]
(preferred arrangement set forth below) <ul style="list-style-type: none"> - Descriptive title of the Invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure | 9. <input checked="" type="checkbox"/> Assignment Papers (cover sheet & document(s))
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of
(when there is an assignee) Attorney |
| 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 16] | 11. <input type="checkbox"/> English Translation Document (if applicable)
12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449
13. <input type="checkbox"/> Preliminary Amendment
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503)
(Should be specifically itemized) |
| 5. Oath or Declaration [Total Sheets _____] <ul style="list-style-type: none"> a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d))
 (for continuation/divisional with Box 18 completed) <ul style="list-style-type: none"> i. <input type="checkbox"/> DELETION OF INVENTOR(S)
 Signed statement attached deleting inventor(s)
 name in the prior application, see 37 CFR
 1.63(d)(2) and 1.33(b). | 15. <input type="checkbox"/> Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/36
or its equivalent.
17. <input type="checkbox"/> Other: _____ |
| 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76 | |

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No. 10/459,341

Prior application information:

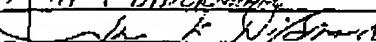
Examiner (not yet assigned)

Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number:				OR	<input checked="" type="checkbox"/> Correspondence address below
Name	James J. DeCarlo				
Address	Stroock & Stroock & Lavan LLP				
City	New York	State	NY	Zip Code	10038
Country	United States	Telephone	212-806-5400	Fax	212-806-6006

Name (Print/Type)	J.J. DeCarlo	Registration No. (Attorney/Agent)	40 991
Signature			
	Date September 22, 2003		

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SSL-DOCS1 -1380683v1

EXHIBIT E

Docket No.
694231.0118

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Andrew R. VOLK

Group Art Unit: To Be Assigned

Application No.: To be Assigned

Examiner: To be Assigned

Filed: September 22, 2003

For: METHOD AND APPARATUS FOR ORGANIZING AND PLAYING DATA

Date: September 22, 2003

CERTIFICATE OF MAILING
BY "EXPRESS MAIL" (37 C.F.R. § 1.10)

Mail Stop Patent Application
Commissioner for Patents
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Sir:

I hereby certify that the following correspondence:

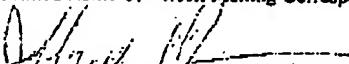
Specification (pages); Drawings (pages); Utility Patent Application Trans. (1 page);
Fee Transmittal (in duplicate); Declaration and Power of Attorney of Andrew R. Volk
(facsimile copy and executed) (3 pages); Assignment & Cover Sheet (3 pages); Postcard

is being deposited on September 22, 2003 with the United States Postal Service
for "Express Mail Post Office to Addressee" delivery under 37 C.F.R. § 1.10 in an
envelope bearing sufficient postage and addressed to:

Mail Stop Patent Application
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450.

Jeffrey Mann

(Typed Or Printed Name Of Person Mailing Correspondence)



(Signature Of Person Mailing Correspondence)

EL 898312568 US

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